



Entered on Docket  
September 14, 2006

Hon. Linda B. Riegler  
United States Bankruptcy Judge

STUTMAN, TREISTER & GLATT, P.C.  
FRANK A. MEROLA, ESQ.  
(CA State Bar No. 136934)  
EVE H. KARASIK, ESQ.  
(CA State Bar No. 155356)  
ANDREW M. PARLEN, ESQ.  
(CA State Bar No. 230429)  
1901 Avenue of the Stars, 12<sup>th</sup> Floor  
Los Angeles, CA 90067  
Telephone: (310) 228-5600  
Facsimile: (310) 228-5788  
E-mail: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
[ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
[aparden@stutman.com](mailto:aparden@stutman.com)

SHEA & CARLYON, LTD.  
JAMES PATRICK SHEA, ESQ.  
(Nevada State Bar No. 000405)  
CANDACE C. CARLYON, ESQ.  
(Nevada State Bar No. 002666)  
SHLOMO S. SHERMAN, ESQ.  
(Nevada State Bar No. 009688)  
233 South Fourth Street, Second Floor  
Las Vegas, Nevada 89101  
Telephone: (702) 471-7432  
Facsimile: (702) 471-7435  
E-mail: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
[ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
[ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

*Counsel for the Official Committee of Equity Security  
Holders of USA Capital First Trust Deed Fund, LLC*

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re:	) BK-S-06-10725-LBR
USA COMMERCIAL MORTGAGE COMPANY	) Chapter 11
Debtor	)
In re:	) BK-S-06-10726-LBR
USA CAPITAL REALTY ADVISORS, LLC,	) Chapter 11
Debtor	)
In re:	) BK-S-06-10727-LBR
USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,	) Chapter 11
Debtor	)
In re:	) BK-S-06-10728-LBR
USA CAPITAL FIRST TRUST DEED FUND, LLC,	) Chapter 11
Debtor.	)
In re:	) BK-S-06-10729-LBR
USA SECURITIES, LLC,	) Chapter 11
Debtor.	)

## Affects

- ☐ All Debtors )  
☐ USA Commercial Mortgage Co. )  
☐ USA Securities, LLC )  
☐ USA Capital Realty Advisors, LLC )  
☐ USA Capital Diversified Trust Deed )  
☒ USA Capital First Trust Deed Fund, LLC )

Date: August 31, 2006

Time: 9:30 a.m.

**ORDER SUSTAINING OMNIBUS OBJECTION OF THE OFFICIAL COMMITTEE  
 OF EQUITY SECURITY HOLDERS OF USA CAPITAL FIRST TRUST DEED FUND,  
 LLC TO MISFILED CLAIMS (AFFECTS DEBTOR USA CAPITAL FIRST TRUST  
 DEED FUND, LLC AND CLAIMANTS MELANIE COWAN, ROSS DELLER, BRENDA  
 FALVAI, FRIEDA MOON, EDWARD J. AND DARLENE A. QUINN, AND SHARON C.  
 VAN ERT)**

The Court having considered the Omnibus Objection of the Official Committee of  
 Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee")  
 to Misfiled Claims, including claim nos. 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 18, 21, 22, 23, 24,  
 27, 28, and 29 (the "Objection"); having reviewed the pleadings, papers and records on file in  
 this action and the arguments of counsel; no opposition to the Objection having been timely  
 filed; and good cause appearing:

IT IS HEREBY ORDERED that the FTDF Committee's Objection is sustained.

IT IS FURTHER ORDERED that the claims listed on Exhibit A attached hereto shall be  
 disallowed, and the claimants shall not be entitled to any distribution from USA Capital First

///

///

///

///

///

///

///

1 Trust Deed Fund, LLC with respect to such claims.

2  
3 SUBMITTED BY:

4 SHEA & CARLYON, LTD.

5  
6  
7 JAMES PATRICK SHEA, ESQ.  
8 CANDACE C. CARLYON, ESQ.  
9 SHLOMO S. SHERMAN, ESQ.  
10 Nevada Bar No. 009688  
11 233 S. Fourth Street, Suite 200  
12 Las Vegas, NV 89101

13 and

14 STUTMAN , TREISTER & GLATT, P.C.  
15 Frank A. Merola, Esq.  
16 Eve. H. Karasik, Esq.  
17 Andrew M. Parlen, Esq.  
18 1901 Avenue of the Stars, 12<sup>th</sup> Floor  
19 Los Angeles, CA 90067

20 *Counsel for the Official Committee of Equity Security*  
21 *Holders of USA Capital First Trust Deed Fund, LLC*

22 APPROVED / DISAPPROVED

23 OFFICE OF THE UNITED STATES TRUSTEE

24  
25  
26  
27 AUGUST B. LANDIS, ESQ. *Scott Andrew Tardella*  
28 300 Las Vegas Blvd. South, Ste. 4300  
Las Vegas, NV 89101

**EXHIBIT “A”**

EXHIBIT "A"

## Wrong Debtor Claims

Claim No.	Claimant	Date Filed	Claim Amount
3	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 22, 2006	\$37,860.24
4	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 22, 2006	\$51,033.34
5	Frieda Moon, an unmarried woman and Sharon c. Van Ert, an unmarried woman, as joint tenants with right of survivorship	May 23, 2006	\$51,033.34

Claim No.	Claimant	Date Filed	Claim Amount
8	Frieda Moon, an unmarried woman and Sharon c. Van Ert, an unmarried woman, as joint tenants with right of survivorship	May 23, 2006	\$51,076.38
9	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 23, 2006	\$51,076.38
10	Frieda Moon, Trustee of the Decedent's Trust of the Restated Moon Irrevocable Trust Dated 6/12/1987	May 23, 2006	\$25,538.20
11	Brenda Falvai	June 2, 2006	\$50,933.34

<b>Claim No.</b>	<b>Claimant</b>	<b>Date Filed</b>	<b>Claim Amount</b>
12	Brenda Falvai	June 2, 2006	\$50,972.22
13	Brenda Falvai	June 2, 2006	\$50,933.34
14	Brenda Falvai	June 2, 2006	\$50,933.34
15	Brenda Falvai	June 2, 2006	\$37,860.24
18	Melanie Cowan	June 23, 2006	\$100,000.00

<b>Claim No.</b>	<b>Claimant</b>	<b>Date Filed</b>	<b>Claim Amount</b>
21	Ross Deller	June 23, 2006	\$50,000.00
22	Ross Deller	June 23, 2006	\$120,000.00
23	Ross Deller	June 23, 2006	\$50,000.00
24	Ross Deller	June 23, 2006	\$100,000.00
27	Edward J. Quinn and Darlene A. Quinn	July 24, 2006	\$156,388.48



<b>Claim No.</b>	<b>Claimant</b>	<b>Date Filed</b>	<b>Claim Amount</b>
28	Edward J. Quinn and Darlene A. Quinn	July 26, 2006	\$156,388.48
29	Edward J. Quinn and Darlene A. Quinn	July 26, 2006	\$156,388.48